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Date of Deposit: May 14, 1998

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John Bruckner

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)



PATENT

Attorney Docket No. 13928-707

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Alfred S. Despres, III; Eugene J. Elwood;
Robert R. Aharonov; Peter Ehlers;
and Knut Andersen Alfred S. Despres

Application No.: Not yet assigned

Filed: May 14, 1998

For: IMPLANT WITH COMPOSITE
COATING

Group Art Unit: Unassigned

Examiner: Unassigned

UTILITY PATENT
APPLICATION TRANSMITTAL LETTER
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Sir:

Enclosed for filing is an ☒ original patent application or, ☐ a continuation, patent application by Alfred S. Despres, III; Eugene J. Elwood; Robert R. Aharonov; Peter Ehlers; and Knut Andersen for **IMPLANT WITH COMPOSITE COATING**; including

23 pages of specification, claims and abstract;

8 sheet(s) of drawing(s);

1. The Oath or Declaration of the inventor(s) ☐ also is enclosed ☒ will follow.

a. ☐ Newly executed (original or copy)

b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 14 completed)

i. ☐ **DELETION OF INVENTOR(S)**

Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

2. ☐ Incorporation By Reference (*useable if Box 1b is checked*)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 1b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
3. ☐ Microfiche Computer Program (*Appendix*)
4. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
- a. ☐ Computer Readable Copy
- b. ☐ Paper Copy (identical to computer copy)
- c. ☐ Statement verifying identity of above copies
5. ☐ Assignment Papers (cover sheet & document(s))
6. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
7. ☐ English Translation Document (*if applicable*)
8. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS) PTO-1449 Citations
9. ☐ Preliminary Amendment
10. ☒ Return Receipt Postcard (MPEP 503)
(*Should be specifically itemized*)
11. ☐ Small Entity ☐ Statement filed in prior application,
Statement(s) Status still proper and desired
12. ☐ Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
13. ☐ Other: _____

14. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. _____

15. The fee has been calculated as follows:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					790.00
Total Claims	75	MINUS 20 =	55	\$22.00=	1210.00
Independent Claims	4	MINUS 3 =	1	\$82.00=	82.00
If multiple dependent claims are presented, add \$270.00					

Total Application Fee	2,082.00
If verified statement claiming small entity status is enclosed, subtract 50% of Total Application Fee	1,041.00
Add Recording Fee of \$40.00 if Assignment document is enclosed	0
TOTAL APPLICATION FEE DUE	1041.00

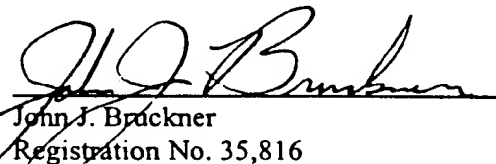
- ☐ A check in the amount of \$___ is enclosed.
- ☐ The Assistant Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No.23-2415 (Docket No. 13928-707). A duplicate copy of this paper is enclosed.
- ☒ Fees will be paid when responding to the Notice to File Missing Parts.

Address all future communications to:

John J. Bruckner
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304-1050

Respectfully submitted,
WILSON SONSINI GOODRICH & ROSATI

By


John J. Bruckner
Registration No. 35,816

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300

Date: May 14, 1998

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number 09/079,502

Filing Date 5/14/98

First Named Inventor Alfred S. Despres, III

Group Art Unit 3738

Examiner Name not assigned

Total Number of Pages in This Submission

Attorney Docket Number 13928-707

ENCLOSURES

- ☒ Fee Transmittal Form
- ☒ Authorization to Charge Deposit Account Attached
- ☐ Amendment/Response
- ☐ After Final
- ☐ Affidavits/declarations
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☒ Response to Missing Parts under 37 CFR 1.52 or 1.53

- X (4) Assignment Papers (for an Application)
1 assignment from Germany
- Drawing(s)
- 3m* Revocation and Power of Attorney by Assignee
- Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- To Convert a Provisional Application
- 2 Declaration of Inventor(s) 2 declarations (one from Germany)
- Terminal Disclaimer
- X Small Entity Statement
- Request for Corrected Filing Receipt
- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Additional Enclosure(s) (please identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name WILSON SONSINI GOODRICH & ROSATI (John Bruckner)

Signature *John Bruckner*

Date

Dec. 1, '98

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

Date

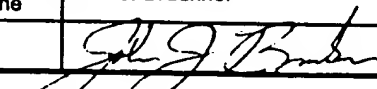
Dec. 1, '98

Typed or printed name

*John Bruckner*Signature *John Bruckner*

Date

Dec. 1, '98

FEE TRANSMITTAL		Complete if Known																																																																																																																																																																																					
<p><i>Note: Effective October 1, 1997. Patent fees are subject to annual revision.</i></p> <p>TOTAL AMOUNT OF PAYMENT (\$) 1661</p>		Application Number	09/079,502																																																																																																																																																																																				
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<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: 23-2415 (13928-707)</p> <p>Deposit Account Name: Wilson Sonsini Goodrich & Rosati</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other</p>		<p>3. ADDITIONAL FEES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>65</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>950</td><td>217</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,510</td><td>218</td><td>755</td><td>Extension for reply within fourth month</td><td>755</td></tr> <tr><td>128</td><td>2,060</td><td>228</td><td>1,030</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to Institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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late filing fee or oath	65	127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	950	217	475	Extension for reply within third month		118	1,510	218	755	Extension for reply within fourth month	755	128	2,060	228	1,030	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to Institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,320	241	660	Petition to revive - unintentional		142	1,320	242	660	Utility issue fee (or reissue)		143	450	243	225	Design issue fee		144	670	244	335	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	240	126	240	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)	160	146	790	246	395	Filing a submission after final rejection (37 CFR 1.129(a))		149	790	249	395	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____						Other fee (specify) _____						* Reduced by Basic Filing Fee Paid					
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<p>SUBMITTED BY</p> <p>Typed or Printed Name: John J. Bruckner</p> <p>Signature: </p> <p>Date: 12/1/98</p>		<p>Complete (if applicable)</p> <p>Reg. Number: 35,816</p> <p>Deposit Account: 23-2415</p> <p>User ID: (13928-707)</p>																																																																																																																																																																																					

07-10-01

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07/09/01



J1054 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

J1054 U.S. PTO
09/901310



07/09/01

In re Application of: Alfred S. Despres III et al.
Serial No.: 09/079,502
Filing Date: 05/14/98
Title: IMPLANT WITH COMPOSITE COATING
Group Art Unit: 3738
Examiner: S. Jackson
Attorney's Docket No.: 13928 (HAYES079502)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 09/079,502 filed 05/14/98 by Alfred S. Despres III, Eugene J. Elwood, Robert R. Aharonov, Peter Ehlers, and Knut Andersen for IMPLANT WITH COMPOSITE COATING.

Submitted with this request are the following:

1. A true copy of said pending prior application Serial No. 09/079,502 (including specification, claims and drawings) as originally filed;

2. A copy of (i) a NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED, (ii) a RESPONSE TO MISSING PARTS, (iii) two DECLARATION AND POWER OF ATTORNEY documents listing the names of the inventors and signed by the inventors Alfred S. Despres III, Eugene J. Elwood, Robert J. Aharonov, Peter Ehlers, and Knut Andersen, specifically identifying the parent of this application by serial number and filing date, (iv) a VERIFIED STATEMENT CLAIMING SMALL ENTITY BUSINESS STATUS, and (v) four ASSIGNMENT AND REQUEST FOR RECORDATION documents of same.

HAYES-707 CON

0000440 030004

Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Alfred S. Despres III et al.

For: IMPLANT WITH COMPOSITE COATING

Enclosed are:

- ☒ 9 sheets of drawings.
- ☒ An assignment of the invention to: Hayes Medical, Inc.
- ☒ A verified statement to establish small entity status.
- ☒ REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION.

The filing fee has been calculated as shown below:

Small Entity				Large Entity		
For:	No. Filed	No. Extra	Rate	Fee	Rate	Fee
Basic Fee				\$355.00		\$710.00
Total Claims	75 - 20	55	x \$ 9.00	495.00	x \$18.00	
Ind. Claims	4 - 3	1	x \$40.00	40.00	x \$ 80.00	
Mult. Claims			+ \$130.00		+ \$260.00	

Total \$890.00

☐ Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.

☒ A check in the amount of \$890.00 to cover the filing fee (and assignment recording fee) is enclosed.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.

☒ Any additional filing fees required under 37 CFR 1.16.

☒ Any patent application processing fees under 37 CFR 1.17.

☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.

☒ Any patent application processing fees under 37 CFR 1.17.

☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

☒ Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Mark J. Pandiscio 7/9/01

Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02154
Tel. (781) 290-0060



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Alfred S. Despres III et al.
Serial No.: 09/079,502
Filing Date: 05/14/98
Title: IMPLANT WITH COMPOSITE COATING
Group Art Unit: 3738
Examiner: S. Jackson
Attorney's Docket No.: 13928 (HAYES079502)

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being filed under the provisions of 37 CFR 1.10.

Respectfully submitted,

Mark J. Pandiscio 7/9/01

Mark J. Pandiscio
Registration No. 30,883
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02154
Tel. (781) 290-0060

"Express Mail Mailing Label Number EF221796744US

Date of Deposit JULY 9, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

Mark J. Pandiscio 7/9/01
Mark J. Pandiscio

3. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said prior application Serial No. 09/079,502 is a complete and true copy; and

4. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 09/079,502 and

5. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on July 9, 2001 as provided for under 37 CFR 1.10.

The Power of Attorney in the prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570, and James A. Sheridan, Registration No. 43114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02154-1914 (Telephone No. 781-290-0060).

The inventors named in this continuation application are the same inventors named in the prior application Serial No. 09/079,502.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Alfred S. Despres III et al.
Serial No.: 09/079,502
Filing Date: 05/14/98
Title: IMPLANT WITH COMPOSITE COATING
Group Art Unit: 3738
Examiner: S. Jackson
Attorney's Docket No.: 13928 (HAYES079502)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

AFFIDAVIT VERIFYING APPLICATION

Commonwealth of Massachusetts
County of Middlesex

I, Mark J. Pandisico, being duly registered to practice before the U.S. Patent and Trademark Office, and being duly sworn, depose and state that: I am attorney of record in the above-identified pending prior application Serial No. 09/079,502 filed 05/14/98, and that the enclosed application is a true and complete copy of the above-identified prior application Serial No. 09/079,502 as filed, and that no amendments referred to in the oath or declaration filed to complete the prior patent application Serial No. 09/079,502 introduced new matter therein.

Mark J. Pandisico 7/9/01
Mark J. Pandisico
Registration No. 30,883

Sworn to before me this 9th day of July, 2001.

Mark J. Pandisico
Notary Public
My commission expires: 7/15/05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Alfred S. Despres III et al.
Application No.: 09/079,502
Filing Date: 05/14/98
Title: IMPLANT WITH COMPOSITE COATING
Group Art Unit: 3738
Examiner: S. Jackson
Attorney's Docket No.: 13928 (HAYES079502)

Assistant Commissioner For Patents
Washington, D.C. 20231

COPY

Sir:

POWER OF ATTORNEY

Hayes Medical, Inc. being the owner of all right, title and interest in and to the above-identified patent application, hereby revokes all former Powers of Attorney granted with respect to said patent application and appoints Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17,293, Mark J. Pandiscio, Registration No. 30,883, Scott R. Foster, Registration No. 20,570, and James A. Sheridan, Registration No. 43,114, or any of them, all of 470 Totten Pond Road, Waltham, Massachusetts 02451-1914, as its attorneys, with full power of substitution, association and revocation, to prosecute and maintain said patent application, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

HAYES MEDICAL, INC.

1-05-01
Date

By: Carolyn H. Preisig
Names: Carolyn H. Preisig
Title: Secretary and Corp. Counsel

MB/HAYES. POA



13728-101
Hayes Medl. JTB
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
13728-101	05/14/98	DESPRES	A 13728-101

JOHN T. BRULER
WILSON SONSINI GOODRICH & ROBERTI
450 PINE MILL ROAD
PALO ALTO CA 94304-1050

0262/0601

NOT ASSIGNED

3728

DATE MAILED:

06/01/98

NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☐ non-small entity is \$ 2212.

☒ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ 2212 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

\$ 50 for 1 independent claims over 3.

\$ 1210 for 55 dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due. 5/1/98 DUE

☒ 3. The oath or declaration:

- ☐ is missing or unexecuted.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE